

# STATE OF COLORADO

## Colorado General Assembly

Mike Mauer, Director  
Legislative Council Staff

**Colorado Legislative Council**  
200 East Colfax Avenue Suite 029  
Denver, Colorado 80203-1716  
Telephone 303-866-3521  
Facsimile 303-866-3855  
TDD 303-866-3472



Dan L. Cartin, Director  
Office of Legislative Legal Services

**Office of Legislative Legal Services**  
200 East Colfax Avenue Suite 091  
Denver, Colorado 80203-1716  
Telephone 303-866-2045  
Facsimile 303-866-4157  
Email: olls.ga@state.co.us

## MEMORANDUM

**TO:** Mike Spalding and David Ottke

**FROM:** Legislative Council Staff and Office of Legislative Legal Services

**DATE:** July 29, 2015

**SUBJECT:** Proposed initiative measure 2015-2016 #30 concerning the Public Accountability of State and Local Officers

Section 1-40-105 (1), Colorado Revised Statutes, requires the directors of the Colorado Legislative Council and the Office of Legislative Legal Services to "review and comment" on initiative petitions for proposed laws and amendments to the Colorado constitution. We hereby submit our comments to you regarding the appended proposed initiative.

The purpose of this statutory requirement of the directors of Legislative Council and the Office of Legislative Legal Services is to provide comments intended to aid proponents in determining the language of their proposal and to avail the public of knowledge of the contents of the proposal. Our first objective is to be sure we understand your intent and your objective in proposing the amendment. We hope that the statements and questions contained in this memorandum will provide a basis for discussion and understanding of the proposal.

This initiative was submitted with a series of initiatives including proposed initiatives 2015-2016 #29 and 30. The comments and questions raised in this memorandum will not include comments and questions that were addressed in the memoranda for proposed initiative 2016-2016 #29, except as necessary to fully understand the issues raised by the revised proposed initiative. **Comments and questions addressed in the other memorandum may also be relevant, and those questions and comments are hereby incorporated by reference in this memorandum.**

## **Purposes**

The major purposes of the proposed amendment to the **Colorado constitution** appear to be:

1. To provide a mechanism by which all state and local legislative and executive elective officials, and all state and local judicial officers, are accountable to voters.
2. To reestablish the recall process for all state and local legislative and executive elective officials and all state and local judicial officers.
3. To subject judicial officers not eligible for recall to retention elections each presidential election.

## **Substantive & Technical Comments and Questions**

Substantive comments and questions from the memorandum for proposed initiative 2015-2016 #29 apply to initiative 2015-2016 #30 are incorporated herein by reference and, as such, will not be repeated.

The form and substance of the proposed initiative raises the following question:

1. It appears that the only differences between the proposed measure and proposed initiative 2015-2016 #29 is that the latter allows judicial officers to select whether to be accountable via recall eligibility or regular retention elections. Is that correct?